IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER ST.NO. 5720 OF 1996

The Municipal Corporation of
Greater Bombay. ... Appellant.

Versus.

Dr.Jitendra K.Tiwari. ... Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 18th January, 2005.

P.C.:

1. Heard learned Counsel appearing for the Appellant. By the impugned Judgment and order dated 14th December 1994, the Notice of Motion taken out by the Respondent is made absolute. The learned trial Judge held that it was unjust on the part of the Appellant to withhold water supply on technical ground. The order of interim relief is operating from 14th December 1994 in the suit filed in the year 1988. Hence after lapse of 11 years, it will be unjust to interfere with the said order. Hence the Appeal is dismissed with no order as to costs.

2. It is made clear that the finding recorded by the learned trial Judge while passing the impugned order is only a tentative finding and the same will not bind the learned trial Judge while deciding the suit finally.

Judge.